

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5810 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

BENABEN WD/O BHAGABHAI Z

Versus

JOINT SECRETARY

Appearance:

MR RR MARSHALL for Petitioner

MR VM PANCHOLI, AGP for Respondents

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 09/07/1999

ORAL JUDGEMENT

Heard Mr RR Marshall, learned counsel for the
petitioner and Mr V.M. Pancholi, learned AGP for the
respondents.

2. The petitioner has challenged the order passed by
the State Government under Section 34 of the Urban Land
(Ceiling & Regulation) Act, 1976 and the further
proceedings before the Competent Authority on that basis.

While admitting this petition, this Court had granted interim relief directing the parties to maintain status quo with regard to the lands in question. The authorities have not taken over possession of the land in question from the petitioner, which fact is not in dispute in view of the instructions dated 23.6.1999 received by the learned AGP from the Section Officer in the Revenue Department.

3. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

July 9, 1999 (M.S. Shah, J.)

sundar/-